

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**WILLARD D. LESLEY, No. M37383,**

**Plaintiff,**

**vs.**

**WARDEN RANDY DAVIS,**

**Defendant.**

**Case No. 13-cv-817-GPM**

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

On August 8, 2013, Plaintiff Willard D. Lesley, an inmate in the custody of the Illinois Department of Corrections, housed at Vienna Correctional Center, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). By Order dated September 30, 2013, the Court concluded that the complaint, as drafted, failed to state a colorable constitutional claim (Doc. 5).

Plaintiff was directed to file a complaint by October 30, 2013 (Doc. 5). He was forewarned that failure to file a proper complaint by the prescribed deadline would result in the dismissal of this action, that such a dismissal would count as one of his allotted “strikes” under the provisions of 28 U.S.C. § 1915(g), and that Plaintiff would remain obligated to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

Plaintiff has not filed a complaint and the deadline for doing so has passed. It appears that Plaintiff has abandoned this action.

**IT IS THEREFORE ORDERED** that pursuant to Federal Rule of Civil Procedure 41(b), this action is **DISMISSED with prejudice** for failure to comply with a court order and failure to prosecute this action. Furthermore, this action is deemed frivolous for purposes of

Section 1915(g); therefore Plaintiff will be allotted a **STRIKE** under the provisions of 28 U.S.C. § 1915(g). Judgment shall enter accordingly and this case will be closed.

**IT IS FURTHER ORDERED** that Plaintiff remains obligated to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). A separate order shall enter regarding the collection of the fee (*see* Doc. 2).

**IT IS SO ORDERED.**

**DATED:** November 14, 2013

s/ *G. Patrick Murphy*  
G. PATRICK MURPHY  
United States District Judge